

CRR-2323-2007

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-2323-2007

Date of decision: 02.09.2015

Tejender Singh @ Raju

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J

Petitioner had faced trial in FIR No.218, dated 30.07.1995, under Sections 279, 337, 338 and 304-A of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Kalanwali. Trial Court vide judgment/order dated 08.07.2006/12.07.2006 ordered the conviction and sentence of the petitioner under Sections 279, 337 and 304-A, IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 29.08.2007. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that in the present case 13 persons were travelling in the jeep. Injured PW-7 and PW-9 had failed to identify the petitioner

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during trial. Injured PW-1 had also stated that the petitioner looked like the driver of the truck but he could not be sure of the said fact. PW-8, who was travelling in the jeep and PW-10 who was driver of the other jeep had also failed to identify the petitioner during trial. So far as PWs No.2 and 3 are concerned, they had identified the petitioner as driver of the truck for the first time in the Court. No test identification parade was got conducted in the present case. Petitioner was not apprehended at the spot and was arrested after 2 days of the accident. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Sections 279, 337 and 304-A, IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Petitioner has already undergone more than 10½ months of actual sentence. Petitioner is not a previous convict and is the only bread earner of the family and is facing the criminal proceedings since the year 1995.

Keeping in view the submissions made by the learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Sections 279, 337 and 304-A, IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced to the

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period already undergone by him.

Petition stands disposed of, accordingly.

September 02, 2015
kapil

(SABINA)
JUDGE